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GOVERNOR'S VETO MESSAGES.

House.

SPRINGFIELD, ILLINOIS, April 12, 1921.

The Honorable, the House of Representatives:

I return herewith, without my approval, House Bill No. 69, the same being an Act to amend section 40 of an Act entitled "An Act Concerning Land Titles," approved and in force May 1, 1897, as amended by an Act approved January 26, 1913, and in force July 1, 1913, and as reasons for my veto I submit the following:

The Land Titles Act, familiarly known as the Torrens System of Land Registration, which it is proposed to amend by this bill, was enacted for the purpose of registering the titles to real estate, and to simplify the transfer of such titles and to reduce expense and delay in connection therewith. The original act of 1897 was passed subject to a referendum vote, and its provisions have been adopted only by the County of Cook. Therefore, the present amendment embodied in House Bill No. 69 would have effect only in that county. I am credibly informed that over fifty thousand home-owners in Chicago and Cook County have acquired titles to their homes under the provisions of this Act, and it is of transcendent importance that no legislation be passed which would serve to unsettle their titles, or tend to impair the principles of the Land Registration Act which protects them.

Section 40 of the Act Concerning Land Titles provides for the issuance of certificates of title. This section, as originally enacted in 1897, provided that every certified title should be subject (among other things) to "any tax or special assessment for which a sale of the land has not been had at the date of the certificate of title." This original provisions was plain and simple, and was intended to protect the city, county, and state, and other taxing authorities, for the payment of current taxes and special assessments while in process of collection.

When the tax or special assessment had gone to sale, the tax or assessment was paid to the public authorities, and the purchaser or "tax-buyer" became substituted as the holder of a tax certificate of sale.

This section was amended in 1913 by providing that the certified title should be subject in all cases to "general taxes for the current or fiscal year in which the certificate is issued, and special taxes or assessments which have not been confirmed." This new provision probably is not as extensive as the original provision, and it would seem that some amendment which would reinstate the original provision of section 40, with reference to taxes and special assessments, would better protect the public interests.

I have been informed that the City of Chicago, in order to protect itself on sales of real estate for delinquent special assessments, has been obliged from time to time to buy in delinquent real estate at tax sales, and in lieu of collection of the tax in money, has been obliged to take tax sale certificates which were expected to ripen into tax deeds.

It has been represented to me by the proponents of House Bill No. 69 that the main purpose of the proposed amendment is to facilitate the collection of taxes and special assessments, and to enforce the payment of tax

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sale certificates and tax deeds held by the City of Chicago as against registered titles in Cook County. This is a proper and laudable purpose.

But the proposed amendment to section 40, embodied in House Bill No. 69, permits memorials to be entered upon certificates of title, of unpaid taxes and tax sale certificates, without any limitation as to time. It covers and provides for all "unpaid general taxes for any year or years prior to the current or fiscal year in which the certificate of title is issued," and for all "uncancelled tax sales not already entered upon the register of titles." This would inure to the benefit of the so-called tax-buyers and would enable them to place upon the register of titles in the Recorder's office of Cook County, as a lien against registered lands, all of their tax sale certificates, most of which have been long since outlawed by the lapse of time.

The fact that private tax-buyers are put in this favored position as to the collection of their ancient tax claims is in my opinion the most vital objection to House Bill No. 69. An Act so general in its character would permit tax claims and uncancelled tax sales, which have been in existence forty or fifty years with no attempt to collect the same, to be resurrected and placed upon the register of titles. In many cases tax claims which had been paid, evidence of the payment of which may not be readily accessible, might for the second time be charged against registered lands, and, having once been placed upon the register of titles against a particular certificate or particular title, the only way to remove the same as a lien or charge against the land would be by payment of the claim to the owner of the tax certificate of sale. I believe there is scarcely an abstract of title to real property in Cook County that will not disclose one or more of these old tax sale certificates upon which no deed was ever issued and upon which no deed can ever issue, and this present bill, if it became a law, would inevitably bring forward and place upon the register of titles a large number of these ancient and outlawed tax claims, owned by individuals and not by the public authorities. Such a result would be unjust and intolerable to the last degree.

It is quite true that the public should be protected in the collection of its general taxes and special assessments, and if the present provisions of the so-called Torrens Law or Land Titles Act are not adequate for that purpose, the law should be so amended as to provide such protection. Two subjects might properly be included in framing an amendment to the present law: one, providing for the collection of current taxes and special assessments and that the lien of the public for such current taxes and special assessments shall not be lost by a transfer of title; another, providing that the city of Chicago should be protected on its tax sale certificates, so far as it is possible to do so, as against these registered lands. It is eminently proper that the city of Chicago should have this protection, but it is plainly possible so to frame an amendment to section 40 of the present Act that the same protection and the same privileges shall not be given to private tax-buyers. Without going further into detail, I am also of the opinion that the amendment in its present form comes in conflict with other sections of the present Act, and with provisions of the Revenue Act and Local Improvement Act, and that the probable consequence of such conflict and contradiction would be that the benefit expected would be entirely lost. It should be possible so to frame a bill that such conflict would be avoided and its provisions restricted to the sole purpose of protecting the public authorities in their claims for taxes and special assessments and collection on their forfeitures and tax sale certificates. It is my belief that the present bill would altogether fail of such purpose; that, while conferring no benefit upon the city or other tax authorities, it would operate as a hardship upon owners of lands registered under the Land Titles Act, and, conversely, bestow benefits upon private tax-buyers to which they are not entitled. I, therefore, am constrained to exercise my constitutional right of veto, and I do hereby veto this bill.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the House of Representatives:

I return, herewith, without my approval House Bill No. 488, being a Bill for "An Act to prohibit circuit clerks or recorders or deputy of such officers preparing certain documents in instruments," and submit as reason for my veto the following:

This bill provides that no circuit clerk or recorder or any deputy of such officers shall prepare any document to be filed in the offices of such officers.

It has become customary for these officers to prepare many types of documents in cases where the persons requiring such documents are unable to pay for having them prepared, or where such documents are not of sufficient importance to the person having them prepared to warrant the payment of any fee for preparation. One type of these documents is that of petitions for naturalization. These petitions are very usually prepared by the clerks or their deputies and it would serve no good purpose to prohibit this practice. I have therefore withheld my approval of this bill.

Respectfully submitted,

LEN SMALL, Governor of Illinois.

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the House of Representatives:

I return, herewith, without my approval House Bill No. 430, being a Bill for "An Act to amend sections 38 and 40 of 'An Act to provide for the holding of primary elections by political parties,' approved March 9, 1910, in force July 1, 1910, as amended," and submit as reason for my veto the following:

This bill is a companion bill to House Bill No. 431 and the reasons for vetoing the latter bill apply with equal force to this bill. I am, therefore, returning the same without my approval.

Respectfully submitted,

LEN SMALL, Governor of Illinois.

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the House of Representatives:

I return, herewith, without my approval House Bill No. 49, being a bill for "An Act to amend section 30 of an Act entitled: 'An Act to provide for the holding of primary elections by political parties,' approved March 9, 1910, in force July 1, 1910, as amended," and submit as reason for my veto the following:

This bill amends sections 30 of the Primary Act which deals with the time for filing petitions to have the names of candidates placed upon the primary ballot. At the present time the last day for filing a petition and the last day for withdrawal of a candidate are the same day. This bill, if approved, would require that petitions be filed five days before the last for withdrawal.

The law, at the present time, has operated effectively to prevent manipulation in party nominations. It seems to me there is no good reason for making a change in this provision. I therefore withhold my approval of this bill.

Respectfully submitted,

LEN SMALL, Governor of Illinois.

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the House of Representatives:

I return herewith, without my approval, House Bill No. 12, being a Bill for "An Act to amend section 54 of 'An Act in regard to the administration of estates', approved April 1, 1872, in force July 1, 1872, as amended", and as reason for my veto, submit the following:

This Bill attempts to amend the law with reference to the oath of the appraisers in an estate, by providing that the oath may be administered not only by any person authorized by law to administer oaths, but also by the executor or administrator or one of the appraisers who has already taken and subscribed the oath. A proviso is then added which states that this provision shall apply only to counties having a population of less than 500,000 inhabitants. It is not clear from the reading of this bill whether this proviso refers to the taking of the oath or whether it refers merely to the person by whom the oath may be administered. In either case, there is no officer designated in this section before whom the oath of the appraiser may be taken in counties over 500,000 inhabitants.

I am furthermore advised by the Attorney General, in an opinion dated June 24, 1921, that this bill is probably unconstitutional. A copy of the opinion of the Attorney General is hereto attached.

For the reasons stated in this message, as well as those set forth in the opinion of the Attorney General, I withhold my approval of this bill.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
LAW DEPARTMENT,
SPRINGFIELD, June 24, 1921.

Bills.

House Bill No. 12.

To the Governor, Springfield, Illinois:

SIR: I return herewith, House Bill No. 12, submitted by your letter of June 23rd.

This bill amends section 54 of the Act in regard to administration of estates relating to the oath to be administered to and subscribed by appraisers appointed to appraise the personal property in an estate.

The section as now in force provides that the oath may be taken before any person authorized to administer oaths and applies uniformly throughout the State. The amendment strikes out that provision and adds the following paragraph immediately following the provision requiring the oath and prescribing the form:

"The oath shall be administered by any person authorized by law to administer oaths or the executor or the administrator of the estate or by one of the appraisers who has already taken and subscribed the oath. Provided, however, this provision shall only apply to counties having a population of less than 500,000."

The meaning of this added paragraph is not entirely clear due to the fact that it is uncertain how much of the provisions of the section is referred to in the proviso.

It might be argued that the *proviso* refers even to the preceding paragraph requiring and prescribing the form of, the oath to be taken, in which case the amendment would attempt to exempt appraisers in Cook County from taking any oath. It might also be argued that it applies only to the paragraph in which the proviso is found, in which case there would be no affirmative provision authorizing any one to administer the oath in Cook County. This would probably not be serious as any person authorized to administer oaths could perhaps do so under their general authority.

But, even if the *proviso* be construed as relating only to the provision authorizing the executors, administrator or one of the appraisers who has taken the oath, to administer the oath, a very serious question arises as to the validity of the classification made in the *proviso*.

In *L'Hote v. Milford*, 212 Ill. 418, 423, the court says:

"It is true that a classification of cities and villages of the State by population, as a basis for legislation may be valid, but a classification cannot be adopted arbitrarily upon a ground which has no foundation in difference of situation or circumstances of the municipalities placed in the different classes. There must be some reasonable relation between the situation of municipalities classified and the purposes and objects to be attained." (*Kennedy v. McGovern*, 246 Ill. 497, to the same effect.)

Disregarding the question to what provisions the *proviso* above referred to apply, I am unable to see any "reasonable relation between the situation of the counties classified and the purposes and objects to be attained" by the amendment.

I am unable to find any reason for having appraisers take and subscribe to an oath, or permitting the oath to be administered by the executor or administrator or one of the appraisers who has already taken the oath, in counties of less than 500,000, which would not also apply to counties of 500,000 or more.

I think the form of the bill is faulty because of the ambiguity above referred to and I have grave doubts as to the constitutionality of the classification mentioned.

I do not therefore think that I would be justified in approving this bill as to constitutionality and form.

Respectfully,

(Signed) EDWARD J. BRUNDAGE,
Attorney General.

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STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the House of Representatives:

I return, herewith, without my approval, House Bill No. 29, the same being a bill for "An Act to amend section 5 of 'An Act to regulate the State charitable institutions and the State Reform School, and to improve their organization and increase their efficiency,' approved April 15, 1875, in force July 1, 1875, as amended," and for reason for my veto submit the following:

This bill is exactly the same, word for word, as Senate Bill No. 15, which was passed at this session and which I have approved.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the House of Representatives:

I return herewith, without my approval, House Bill No. 44, being a bill for "An Act to amend section 1 of 'An Act to provide for annexing and excluding territory to and from cities, towns and villages, and to unite cities, towns and villages,' approved April 10, 1872, in force July 1, 1872, as amended," and as reason for my veto, I submit the following:

This bill amends section 1 of the Act providing for the annexation to and excluding territory from cities, towns and villages. The law, at present, provides that the petition for annexation must be signed by a majority of the legal voters and by a majority of the property owners in the territory proposed to be annexed.

If House Bill No. 44 were approved, the petition for annexation would need to be signed only by one-fourth of the legal voters and one-fourth of the property owners in the territory seeking annexation.

Annexation to a city, town or village means the assuming of additional burdens in the way of taxation and opens up, as well, the possibility that the territory annexed may be improved by sewers and pavements at the expense of the property owners in that territory. It is only fair and reasonable that the property owners should have a voice in the determination of this question; and it seems to me contrary to the principles of good government to take the determination of this question from the majority and place it with the minority. In all other matters of government it has always been the policy of this and other states to abide by the decision of the majority. This important and wholesome principle ought not to be abandoned in the important matter of annexing territory to a city.

I, therefore, return House Bill No. 44 without my approval.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the House of Representatives:

I return herewith without my approval, House Bill No. 50, being a bill for "An Act to amend an Act entitled: 'An Act in regard to elections, and to provide for filling vacancies in elective offices,' approved April 3, 1872, in force July 1, 1872, as amended," and as reason for my veto, submit the following:

This bill radically changes the manner of selecting electors of President and Vice-President of the United States. It provides, in substance, that the names of electors shall not be printed upon the ballot at the presidential election, as has been the custom heretofore; but that the names of the candidates for President and Vice-President shall be printed on the ballot enclosed in a bracket with one square in front of the bracket; and that the electors of the party whose candidates for President and Vice-President receive the highest votes, shall then be appointed by the Governor.

I am advised that this scheme has been adopted in only two states of the Union, namely, Nebraska and Iowa, and that the validity of this manner of electing electors has never been determined by the courts.

Our State, the third largest in the Union, should never, by any chance, or by any defect in its laws, be deprived of representation in the electoral college. Should the law as amended by this bill be declared by the courts to be unconstitutional or otherwise insufficient, it might deprive this State of its voice in the choice of a President. Rather than risk that possibility, it seems to me wise and prudent to continue our present system of choosing presidential electors, at least until the validity of the proposed scheme has been approved by the highest courts of our land.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the House of Representatives:

I return herewith, without my approval, House Bill No. 57, being a bill for "An Act to add section 9a to the 'Motor Vehicle Law,' approved June 30, 1919, in force January 1, 1920," and submit as reason for my veto, the following:

At the present session of the General Assembly Senate Bill No. 385 was enacted which also adds section 9a to the Motor Vehicle Law. If two sections both numbered 9a were added to the same Act at the same session, I

am advised that there would be considerable doubt as to whether both would stand as the law. The provisions of Senate Bill No. 385 are of such importance that I consider it inadvisable to jeopardize the validity of that Act by approving this one.

For the reason above indicated, I return the bill herewith, without my approval.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the House of Representatives:

I return, herewith, without my approval House Bill No. 67, the same being a bill for "An Act to amend sections 1 and 3 of an Act entitled 'An Act to revise the law in relation to the sentence and commitment of persons convicted of crime or offenses and providing for a system of parole and to repeal certain Acts and parts of Acts therein named,' approved June 25, 1917, in force July 1, 1917, as amended," and my reason for withholding my approval of said bill is that I am advised by the Attorney General that the same is unconstitutional. Provision is made in House Bill No. 68 for three grades of offenses in case of robbery; the first being robbery without the use of a dangerous weapon; the second being robbery with the use of a dangerous weapon other than a pistol, revolver or other firearm, or having a confederate present so armed; and the third being robbery while armed with a pistol, revolver or other firearm, or having a confederate present so armed.

House Bill No. 67, as originally introduced, provided that robbery while armed with a pistol, revolver or other firearm, or with a confederate present so armed, should be put into the class of offenses for which there is a determinate sentence under the law, such as treason, murder, rape or kidnapping. By an amendment, the words "robbery or" were inserted before the clause last mentioned. Through this amendment there results the inconsistent provision that robbery without the use of a weapon of any kind is put in the same class with respect to commitment and parole as robbery with a pistol, revolver or other firearm, and a determinate sentence must be given for it with more restricted parole provisions, while in the case of robbery with a dangerous weapon other than a pistol, revolver or firearm, the present lenient parole provisions and indeterminate sentence will continue. Manifestly, this inconsistency renders the bill unconstitutional, as stated in the opinion of the Attorney General, hereto attached, and I, therefore, return herewith House Bill No. 67, without my approval.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
LAW DEPARTMENT,
SPRINGFIELD, June 27, 1921.

Bills.

House Bill No. 67.

To the Governor, Springfield, Illinois:

SIR: You transmitted to me in your letter of June 23 House Bill No. 67, with the request that I give you my opinion upon its form and constitutionality.

The title of the Act reads as follows:

"An Act to amend sections 1 and 3 of an Act entitled, 'An Act to revise the law in relation to the sentence and commitment of persons convicted of crime or offenses and providing for a system of parole and to repeal certain Acts and parts of Acts therein named,' approved June 25, 1917, in force July 1, 1917, as amended."

This bill seeks to amend the Parole Act. Section 1 of the Parole Act, as it now stands, includes the offenses of misprision of treason, murder, rape and kidnapping and are made determinate punishments by requiring the jury to fix the period of imprisonment in their verdict.

The other offenses, under section 2 of the Act, are indeterminate in punishment, the jury returning only a verdict of guilty, leaving the amount of punishment to be fixed by the Department of Public Welfare.

The present House Bill 67 changes section one and adds thereto the offenses of manslaughter, robbery or robbery while armed with a pistol, revolver or other firearm, or robbery with any confederate present so armed with a pistol, revolver or other firearm to aid or abet him, thereby including these last named offenses in the list where the jury must fix the amount of punishment, taking them out of the indeterminate class where they now are.

This bill also amends clause 5 of section 3 of the Parole Act. The words underscored is the new matter added to clause 5:

*"That every person who shall be found guilty of robbery while armed with a pistol, revolver, or other firearm, or while he has any confederate present so armed with a pistol, revolver or other firearm to aid or abet him, shall be sentenced to the penitentiary and not to the reformatory or other State institution; that every person of the age of twenty-one years or more who shall be found guilty of robbery while armed with a dangerous weapon, other than a pistol, revolver or other firearm, or while he has any confederate present so armed with a dangerous weapon other than a pistol, revolver or other firearm to aid to abet him, shall be sentenced to the penitentiary and not to the reformatory or other State institution;" * * **

the remainder of clause 5 refers to burglary.

Robbery is the felonious and violent taking of money, goods or other valuable thing from the person of another by force or intimidation, the punishment for which is not less than three or more than twenty years in the penitentiary.

Under section 1 of House Bill No. 67, if the offense is plain robbery, the jury must fix the term of imprisonment.

If the offense is robbery with a dangerous weapon, other than a pistol or firearm, the jury do not fix the punishment under section 2 of the Parole Act and the sentence is indeterminate, to be discharged by the Department of Public Welfare.

If it is robbery while armed with a pistol or other firearm, under section 1 of House Bill No. 67 the jury fixes the term of imprisonment.

If the defendant is unarmed, but has a confederate present who is armed with a pistol or other firearm, under section 1 of this bill the jury fixes the term of imprisonment.

If the defendant is not armed with any dangerous weapon but has a confederate present armed with a pistol or other firearm, the jury fixes the term of imprisonment.

If the defendant is unarmed but has a confederate armed with a dangerous weapon, not a pistol or firearm, the jury do not fix the punishment and the sentence is indeterminate.

Under clause 5 of section 3, as amended in this bill, every person, male or female, *ten years of age or over*, found guilty of robbery while armed with a pistol or other firearm, or has a confederate present so armed, shall be sentenced to the penitentiary and not to the reformatory or other State institution.

Under said clause 5, if the defendant is under the age of 21 years and found guilty of robbery while armed with a dangerous weapon other than a pistol or firearm, such person may be sent to the reformatory or other State institution, in the discretion of the court.

If the defendant is under the age of 21 years, under clause 5, and is unarmed but has a confederate present armed with a dangerous weapon other than a pistol or firearm, such person may be sent to the reformatory or other State institution than the penitentiary, in the discretion of the court.

Under clause 5, a person over 21 years of age, armed with a dangerous weapon, or if he is unarmed but has a confederate present armed with a dangerous weapon, not a pistol or firearm, must be sent to the penitentiary but in these last two sentences the sentence is indeterminate, the jury do not fix the term of imprisonment and the Department of Public Welfare may discharge earlier than the maximum period by the law required.

Section 246 of the Criminal Code, as the law now stands, defines and prescribes the punishment for robbery, and reads as follows:

"Robbery is the felonious and violent taking of money, goods or other valuable thing, from the person of another by force or intimidation. Every person guilty of robbery shall be imprisoned in the penitentiary not less than three years nor more than twenty years; or if he is armed with a dangerous weapon, or being so armed, he wounds or strikes him, or if he has any confederate present so armed, to aid or abet him, he shall be imprisoned in the penitentiary for any term of years not less than ten years or for life."

It will be noted that the present law prescribing the punishment if the defendant is armed with a dangerous weapon, or being so armed wounds or strikes a person, or has a confederate so armed, shall be imprisoned for any term of years not less than ten, or for life, and there is no provision made in the present law distinguishing and making robbery with a gun a special act or offense, therefore the amendments of House Bill No. 67 to the present Parole Act do not fit the present law of robbery and would lead to endless confusion.

House Bill No. 68, which will be before your Excellency for consideration, amends the law for robbery and reads as follows:

"Section 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 246 of Division 1 of an Act entitled, 'An Act to revise the law in relation to criminal jurisprudence,' approved March 27, 1874, in force July 1, 1874, as amended, be and the same is hereby further amended to read as follows:

"Section 246. Robbery is the felonious and violent taking of money, goods or other valuable thing from the person of another, by force or intimidation. Every person guilty of robbery shall be imprisoned in the penitentiary not less than three years nor more than twenty years; or if he is armed at the time of the robbery with a dangerous weapon, other than a pistol, revolver or other firearm, or if he has any confederate present so armed, to aid or abet him, he shall be imprisoned in the penitentiary for any term of years not less than ten years or for life; or if he is armed at the time of the robbery with a pistol, revolver or other firearm, or if he has any confederate present so armed with a pistol, revolver or other firearm, to aid and abet him, he shall be imprisoned in the penitentiary for a term of years not less than ten, and it may extend to life."

The new words inserted being underscored.

It is to be observed that the punishment and the definition of robbery remain the same, but if armed with a dangerous weapon other than a pistol, or if armed with a pistol or other firearm, the punishment is just the same as it is now being armed with a dangerous weapon.

The author of House Bill No. 67 introduced House Bill No. 68 evidently so as to make No. 67 workable.

In section 1 of House Bill No. 67, where definite sentences are imposed, on page 2 of the bill beginning with the sentence in line 5, is the following language:

"In every such case of imprisonment the court shall sentence the defendant to the penitentiary, except as is provided in clauses 1 to 4, inclusive, in section 3 of this Act, and in such cases the court may, in its discretion, commit as in those clauses provided."

You will note that clause 5 is not included in section 1 in the exceptions.

In section 3, on page 3 of the bill, is the following language, beginning at the end of line 7 of section 3:

"Shall in all cases except as herein otherwise provided, in clauses 1 to 4 inclusive, be sentenced to the penitentiary and the jury in its verdict in such cases and the court imposing such sentence, shall not fix the limit or duration of the same."

In clause 1 it is provided that every male person, between the ages of 16 and 26 may, in the discretion of the court, be sentenced to the reformatory instead of the penitentiary.

In clause 3, every male person between the ages of 10 and 16 may, in the discretion of the court, be committed to such other institutions (other than the reformatory) as is provided by law for the incarceration and punishment, etc., instead of the penitentiary.

In clause 4, every female person between 10 and 18 years of age may, in the discretion of the court, be sentenced to such other institution as is provided by law, instead of the penitentiary.

The above are three of the four clauses in the exceptions made in section 3.

You will note that clause 5 is not included in the exceptions enumerated in the body of section 3.

Clause 5 is in conflict with and defeats clauses 1, 3 and 4, in the instances named in clause 5.

That your Excellency may understand the effect of House Bill No. 67, as amended, and as it will be applied in court and by the courts and the juries, it is necessary to present to you the following illustrations:

1. Plain robbery by a defendant 16 to 26, the jury fixes a definite term, and may be sentenced to the reformatory instead of the penitentiary, with no benefits of the good effect of the parole system.

2. Plain robbery, the defendant being unarmed, age 10 to 21, but having a confederate present armed with a dangerous weapon, not a pistol or firearm, the sentence is indeterminate, the jury does not fix the term and may go to the reformatory or other institution instead of the penitentiary and receive the benefit of the parole system.

3. Plain robbery, by male or female, 10 years of age or more, if unarmed but has a confederate present armed with a pistol or other firearm, the sentence is a definite sentence, the jury fixes a term and must be sent to the penitentiary, under clause 5, as amended.

4. Plain robbery, of the age of 21 years and upward, the defendant unarmed but having a confederate present armed with a dangerous weapon not a firearm, must receive an indeterminate sentence, the jury not fixing the term, but must be sentenced to the penitentiary, receiving the benefit of the parole system.

5. Robbery by a defendant 10 to 21 years of age, armed with a dangerous weapon, not a pistol or firearm, receives an indeterminate sentence, the jury not fixing the term, and may be sentenced to the reformatory or other institution, in the discretion of the court, and receives the benefit of the parole system.

6. Robbery, by defendant 10 to 21 years of age, armed with a dangerous weapon not a pistol or firearm and having a confederate armed with a pistol or firearm present—because of the fact that the confederate had a firearm, under clause 5 of the bill it would seem that he should go to the penitentiary and the jury to fix the term, but when this is considered more carefully, the bill prescribing two places of punishment, not being armed with a gun although he had a confederate present, the courts would send, in that instance, the defendant armed with a dangerous weapon to the reformatory because the law must be construed most favorably to the accused, and that being true, the sentence would be indeterminate and the jury would not fix the term.

So, when we compare illustration No. 3 with illustration No. 6, we find this condition—a boy under 21, unarmed, having a confederate present with a gun, must go to the penitentiary; while

Under No. 6, a boy under 21, armed with a dangerous weapon, not a gun, and also having a confederate present armed with a gun, may be sent to the reformatory, with the benefits of the parole system. This is a dis-

crimination not based upon any sound reason or constitutional ground and makes the Act unconstitutional.

7. A boy 10 to 21, armed with a dangerous weapon, not a gun, with a confederate present under the age of 21, armed with a gun, the robbery being one transaction, the boy with a knife receives an indeterminate sentence and the other boy goes to the penitentiary with a definite sentence.

8. If a boy 10 to 21, armed with a gun, has a confederate 10 to 21, armed with a dangerous weapon, not a gun, the robbery being one transaction, the boy with a gun goes to the penitentiary with a definite sentence, but the boy armed with a dangerous weapon, not a gun, goes to the reformatory, under an indeterminate sentence.

These illustrations might be elaborated, but they are sufficient to show your Excellency the utter confusion to juries and to courts created by this House Bill No. 67.

Another very serious difficulty in applying the law and obtaining verdicts and having them sustained by the Supreme Court will arise in the difficulty of drawing indictments; the wonderful accuracy that will be required in writing instructions in these complicated situations, especially so if there are a number of defendants, some armed one way, some another, others not armed.

The Department of Public Welfare, as I am informed have already experienced, under the law as it is, great difficulty, because of the fact that the courts, juries and clerks in making up their records have not made the distinction under the present law in plain robbery and robbery while armed with a dangerous weapon and where the verdict rendered and the record made by the clerk do not definitely show that the defendant was armed with a dangerous weapon, although he was, the defendant can only be punished for plain robbery.

If House Bills Nos. 67 and 68 become laws, with the variety of other difficulties that I have pointed out added to those that already exist, there will be very few convictions sustained by the Supreme Court. The Department of Public Welfare can give your Excellency the benefit of its experience and suggestion upon these two bills.

I find that House Bill No. 67 is unconstitutional; I find no objection to its form. I am returning it herewith.

Respectfully,

(Signed) EDWARD J. BRUNDAGE,
Attorney General.

CFM—JC.
Enclosure.

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the House of Representatives:

I return, herewith, without my approval, House Bill No. 68, being a bill for "An Act to amend section 246 of Division I of an Act entitled, 'An Act to revise the law in relation to criminal jurisprudence,' approved March 27, 1874, in force July 1, 1874, as amended," and my reason for vetoing this bill is that it is a companion bill to House Bill No. 67, which I have discussed more fully in my veto message. The enactment of House Bill No. 68 into law would serve no purpose except to confuse the present law concerning punishment for robbery. It makes three classifications of the crime; whereas, at present there are only two classes. The punishment for the two graver offenses in House Bill No. 68 is the same and inasmuch as there is no provision made for a distinction as was intended by House Bill No. 67 there remains no reason for dividing the offenses into three classes. I therefore return, herewith, House Bill No. 68, without my approval.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the House of Representatives:

I return herewith, without my approval, House Bill No. 93, being a bill for "An Act to amend an Act to revise the law in relation to universities, colleges, academies, and other institutions of learning," approved March 24, 1874, approved June 28, 1919, and submit as reason for my veto the following:

By a law approved June 28, 1919, section 1a was added to the Act of 1874, which pertained to the law in relation to universities, colleges, academies, and other institutions of learning. I have been informed that it was the purpose of this bill to repeal section 1a enacted in 1919. However, this bill is so drawn that it is not clear from the reading of the bill whether it was intended to repeal the entire Act or only the section enacted at the last session of the General Assembly.

It would certainly be inadvisable to repeal the entire Act of 1874 and I do not believe that it was the intention of members of the Legislature to do so. However, since this bill could be construed to effect such a repeal, I am returning it herewith, without my approval.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the House of Representatives:

I am returning herewith without my approval, House Bill No. 280, being a bill for "An Act to amend 'An Act to establish and maintain parks and parkways in towns and townships,' approved May 29, 1911, in force July 1, 1911, by adding thereto two sections to be known as sections 11 and 12," and for reason for my veto, submit the following:

Section 12 of the Act of 1911, which is added, provides that if territory within a town is included within a park district, the taxes and property shall be divided proportionately between the township and the new park district; or, if the new park district includes all the territory of the town, then all the park taxes and property shall go to the new park district.

This bill is objectionable because it is a companion bill to House Bill No. 281. By taking both these Acts together, it is possible that the territory within a township be organized into a park district, contrary to the will of a majority of the people within the township; and if it is so organized, the property and taxes for park purposes in that town are turned over to the park district. I believe that the citizens of the various towns should not be deprived of their control over matters of this nature.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the House of Representatives:

I am returning herewith without my approval, House Bill No. 281, being a bill for "An Act to amend 'An Act to provide for the organization of park districts and the transfer of submerged lands to those bordering on navigable bodies of water,' approved June 24, 1895, in force July 1, 1895," and for reason for my veto submit the following:

This bill, among other things, changes the law with reference to the majority vote required to organize a park district, under the Act of 1895. The present law provides that the proposition to organize a district must

receive a majority vote in each town, or part of a town, embraced within the proposed district. The amendment effected by this bill provides that the proposition must secure a majority in the entire district. This makes it possible for the voters of one township, having a large population, to overcome the will of the voters in an adjoining township having a small population. A township may thus be included within a park district, even though a majority of its voters are opposed to the proposition.

I am of the opinion that the voters of each township should retain the power and right to determine whether they desire to enter a park district. This is especially true in view of the provisions both of this bill and of House Bill No. 280, which provide that the park property and park taxes of each township shall be turned over to the newly organized park district.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT.
SPRINGFIELD, June 30, 1921.

To the Honorable, the House of Representatives:

I return herewith, without my approval, House Bill No. 431, being a bill for "An Act to amend section 15 of 'An Act to provide for the printing and distribution of ballots at public expense, and for the nomination of candidates for public offices, to regulate the manner of holding elections, and to enforce the secrecy of the ballot,' approved June 22, 1891, in force July 1, 1891, as amended," and for reason for my veto, submit the following:

This bill amends section 15 of the Ballot Act. That section at present provides that the officer furnishing ballots, shall furnish one hundred ballots for each fifty votes cast at the last preceding election for State officers, and shall hold in reserve an ample supply of ballots to be furnished to the election judges in case the first supply is lost, destroyed or exhausted.

The amendment made by this bill, which is being returned herewith, provides that the officer shall furnish one hundred fifty ballots for each one hundred votes cast in the precinct or district at the last general election, and further provides that a reserve of fifty per cent of the number of ballots delivered to the judges shall be held by the official providing the ballots.

The present law regulating the number of ballots to be furnished has, I believe, operated to the benefit of the voters. It has seldom been found that the supply of ballots has not been ample. The only conceivable reason for a change, so as to provide a less number of ballots, is that there would be a saving in the expense of holding elections. While I am thoroughly in sympathy with any movement to reduce public expense, yet, I believe it is more important that every voter of this State have an opportunity to cast a vote, than it is to make the small saving which will be brought about by this change.

I therefore return this bill without my approval.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT.
SPRINGFIELD, June 30, 1921.

To the Honorable, the House of Representatives:

I return herewith, without my approval, House Bill No. 450, being a bill for "An Act to amend section 8 of 'An Act to revise the law in relation to township insurance companies,' approved March 24, 1874, in force July 1, 1874, as amended," and submit as reason for my veto, the following:

This bill, as well as House Bill No. 134 passed at this session of the General Assembly, amends section 8 of the law in relation to township insurance companies. House Bill No. 134 has been approved and that bill covers all the essential changes made by the bill which I am returning

herewith. A further objection to this bill is that an important proviso has been omitted, apparently by accident.

I have therefore chosen to approve House Bill No. 134 and veto House Bill No. 450.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the House of Representatives:

I return herewith, without my approval, House Bill No. 482, being a bill for "An Act to amend section 4, 5 and 7 of 'An Act to provide for the holding of primary elections by political parties for the nomination of members of the General Assembly and the election of senatorial committeemen,' approved March 9, 1910, in force July 1, 1910, as amended," and for reason for my veto, submit the following:

This bill makes substantially the same changes in the Primary Act that are made by Senate Bill No. 529, which was passed at this session and which I have approved. To approve this bill would be a more duplication and for that reason I return it herewith, without my approval.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the House of Representatives:

I return, herewith, without my approval, House Bill No. 537, being a bill for "An Act to add section 6a to an Act entitled 'An Act in relation to State finance,' approved June 10, 1919, in force July 1, 1919," and for reason for my veto submit the following:

In an opinion dated June 27, 1921, the Attorney General advises me that this bill is unconstitutional. His opinion is hereto attached.

For the reasons stated in that opinion I veto House Bill No. 537.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
LAW DEPARTMENT,
SPRINGFIELD, June 27, 1921.

Bills.

House Bill No. 537.

To the Governor, Springfield, Illinois.

SIR: You have transmitted to me for my opinion as to constitutionality and form, House Bill No. 537, entitled as follows:

"An Act to add section 6a to an Act entitled: 'An Act in relation to State finance,' approved June 10, 1919, in force July 1, 1919."

The section which this bill purports to add to the Act in relation to State finance provides that the gross amount of money received from whatever source, belonging to or for the use of such normal schools or the State of Illinois, shall be paid into the State treasury within ten days after the receipt thereof without deduction of any kind and shall be covered into a special fund to be known as the Normal Schools Revolving Fund. Moneys belonging to such schools or to the State, in the hands of such schools or the officials, employees or agents thereof on July 1, 1921, are required to be paid into the treasury and covered into said Revolving Fund except that \$1,000.00 may be retained by each normal school as an Advanced Fund. The last paragraph of the said section 6a is as follows:

"Nothing in this Act shall be construed to prohibit *any State normal school* or its officers continuing the administration of or receiving for administration trust funds, gifts or legacies."

This new section provides that the said Advanced Fund shall be handled on the Imprest System and disbursements shall be made therefrom following the plan authorized by the Director of Finance. Provision for maintaining this Advanced Fund is made in the following language:

"Said funds shall be replenished from time to time by warrants of the Auditor of Public Accounts payable by the State Treasurer from the Normal Schools Revolving Fund in accordance with the appropriations made by the General Assembly upon itemized, receipted vouchers certified to by the President of the respective normal schools and approved by the Director of the Department of Registration and Education and the Director of the Department of Finance."

Each State normal school is required by the bill to file with the Auditor of Public Accounts on or before the second Wednesday of January, April, July and October of each year, a detailed balanced statement in form prescribed by said Auditor, of all receipts for the preceding fiscal quarter verified under oath. A copy of such statement must be filed with the Department of Registration and Education at the same time.

This bill virtually appropriates to each State normal school the sum of \$1,000.00 for an "Advanced Fund," which is not otherwise described nor is the purpose thereof specified. It is required to be handled upon what is termed in the bill the Imprest System, which is likewise not defined. Disbursements therefrom are to be made pursuant to a plan authorized by the two directors aforesaid. This is equivalent to an appropriation to each of said Normal Schools of a lump sum of \$1,000.00, without specification of the purposes for which it is to be expended. This is in violation of the Constitution. *People ex rel Board of Agriculture v. Brady*, 277 Ill. 124, 130. Moreover, the title of the Act amended, "An Act in relation to State Finance," does not include appropriation. The moneys which this bill requires shall be paid into the State Treasury are the property of the State and from a constitutional standpoint should now be in the State Treasury. The provision of this bill respecting the \$1,000.00 which each of the named institutions is permitted to retain as an Advanced Fund, is in my judgment as much an appropriation of State money as though the funds were now in the State Treasury. I therefore consider this provision of the bill unconstitutional.

The provision that the Advanced Fund shall be replenished by appropriations made by the General Assembly amounts to nothing more than a recommendation by this General Assembly to subsequent General Assemblies. It is so uncertain and indefinite that I am unable to say whether, either as a recommendation or as effective legislation, it is constitutional. Does it mean that the Advanced Fund is to be replenished by appropriation from the Revolving Fund, which acts of appropriation shall properly specify the purposes for which the money so appropriated to the Advanced Fund shall be disbursed upon Auditor's warrants based upon lawful vouchers certified by the presidents of the respective Normal Schools and approved by the two specified directors? Or, does it mean that the amounts appropriated shall be drawn from the treasury, paid over in a lump sum to the Advanced Funds of the respective Normal Schools upon itemized vouchers setting forth the purpose for which it is to be applied, and certified and receipted for as such by the said president and approved by the said directors? If the latter is meant the appropriations made to the Revolving Fund would be a lump sum to be used for such purposes as the said president and the said directors may determine, thus conferring upon them the functions of the General Assembly and depriving the Auditor of Public Accounts of his rights as defined in *People v. Brady*, *supra*, and in violation of the rule announced in that case requiring that moneys can be paid out of the State Treasury only in pursuance of an appropriation specifying the purpose thereof, upon the presentation of itemized vouchers showing that obligations have been incurred.

There is only one provision of the bill which I can pronounce constitutional and that is the provision requiring these several institutions to pay into the State Treasury the money which the bill requires to be so paid over.

I herewith return the bill, subject to the constitutional objections above noted, and in the respects mentioned uncertain and vague as to form.

Respectfully,

(Signed) EDWARD J. BRUNDAGE,
Attorney General.

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the House of Representatives:

I return herewith, without my approval, House Bill No. 600, being a Bill for "An Act to amend section 36 of 'An Act in relation to Motor Vehicles and to repeal a certain Act therein named', approved June 30, 1919, in force January 1, 1920", and submit as reason for my veto, the following:

Senate Bill No. 518 was passed at this session of the General Assembly and is a bill which also amends section 36 of the Motor Vehicle Act. If both Senate Bill No. 518 and House Bill No. 600 were approved, there would be two Acts, both amending section 36 of the Motor Vehicle Act, and doubt and confusion would arise as to which of these amendments would prevail over the other. In order to obviate this confusion, I am compelled to veto one of the bills, and as I consider Senate Bill No. 518 more important than this bill, I have vetoed House Bill No. 600.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the House of Representatives:

I return, herewith, without my approval, House Bill No. 669, being a bill for "An Act to amend section 61 of an Act entitled: 'An Act to provide for the holding of primary elections by political parties,' approved March 9, 1910, in force July 1, 1910." The reason for my veto is as follows:

This bill provides that the petition for nominations for city offices in cities having a population of over five hundred thousand inhabitants, shall be filed in the office of the city clerk. This is the law at the present time, and the bill merely re-enacts the existing law. There is no good reason for encumbering the statute books with a statute of this nature, which is merely a duplication, and accomplishes no change or improvement.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the House of Representatives:

I return herewith without my approval, House Bill No. 631, being a bill for "An Act to amend sections 89a and 90 of 'An Act to establish and maintain a system of free schools,' approved and in force June 12, 1909, as amended, and to add section 89b thereto," and for reason for my veto submit the following:

The Attorney General in an opinion dated June 25, 1921, advises me that this entire bill is invalid. A copy of the opinion of the Attorney General is hereto attached.

For the reasons stated in that opinion, I withhold my approval of this bill.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
LAW DEPARTMENT,
SPRINGFIELD, June 25, 1921.

To the Governor, Springfield, Illinois:

SIRS: You have transmitted to me for an opinion as to form and constitutionality, House Bill No. 631, same being:

An Act entitled, "An Act to amend sections 89a and 90 of 'An Act to establish and maintain a system of free schools,' approved and in force June 12, 1909, as amended, and to add section 89b thereto."

Upon examination of said Bill I am of the opinion that it is objectionable both as to form and constitutionality.

The objection to the form of said Bill is that the Bill proper contains no reference to section 90, one of the sections mentioned in the title as being amended and for the further reason that it adds sections 89c, of which no mention is made in the title. Where it is proposed to amend a certain section or sections of an Act, and to add thereto new sections, the title of the amendatory act should specify the new sections intended to be added.

I am of the opinion, too, that section 89a as amended has the effect to render said Bill invalid. Said section provides that any contiguous and compact territory, no part of which is included within a township or community high school district, having an area of not more than sixty-four square miles, and does not extend more than four miles in any cardinal direction from the center of the proposed territory, and which has an assessed valuation of taxable property of not less than five hundred thousand dollars according to the last preceding assessment for State or county purposes, and has not less than thirty prospective high school pupils residing within its limits, may be organized into a community high school district upon a petition defining the boundaries of such proposed district, signed by not less than one hundred voters residing in such territory to be filed with the county superintendent of schools of the county in which the territory or the greater portion thereof is situated. Upon such petition being filed with the county superintendent, it is made his duty to file such petition in the circuit court of his county. Upon filing such petition in the circuit court, it is made the duty of the judge of said court to fix a time either in term time or vacation for a hearing thereon, notice of which is to be given in some newspaper of general circulation published in the county, containing a description of such proposed district and stating the time and place at which such hearing is to be held, at which hearing all parties interested are to be heard for or against the organization of such proposed district.

Said section further provides that the court shall have power to determine whether such proposed district meets the requirements specified therein for a community high school district, and if it does not or if the court decides that a more satisfactory and efficient district can be formed which will meet such requirements, that the court may exclude territory described in such petition and add territory not described in such petition. And provides, if the court finds it is impossible to form a district which will meet the requirements specified, he shall dismiss the petition, but if he decides that such district can be organized, he shall fix the boundaries of such district and order the county superintendent to call an election to vote on the proposition of establishing such district. It will be noted that the power given to the court to add territory not described in such petition is arbitrary; and there is no provision for any hearing as to the territory not described in the petition which the court may decide should be added to such district. A hearing is provided for as to territory described in the petition; but no hearing is provided for as to the territory which the court is given the power to add to such district.

Under the rule announced by the Supreme Court in the case of *Kenyon v. Moore*, 237 Ill. 233; and in an opinion handed down by the court at the term thereof just adjourned, in the case of *Jackson et al v. Blair*, I am of

the opinion that said section 89a as amended by this bill is invalid. And as section 89b and section 89c, the latter being the section not specified in the title to said bill, are so interwoven and dependent on section 89a as to be ineffective without that section, I am of the opinion that the entire bill is invalid.

Same is herewith returned.

Very respectfully,

EDWARD J. BRUNDAGE, *Attorney General*.

DED-GF-LF

Enc.

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the House of Representatives:

I return, herewith, without my approval, House Bill No. 715, being a bill for "An Act to amend sections 6 and 9 of 'An Act to provide for the holding of primary elections by political parties,' approved March 9, 1910, in force July 1, 1910, as amended," and as reason for my veto, submit the following:

This Bill amends the Primary Act in substantially the same manner in which that Act is amended by Senate Bill No. 528, which has been approved. As there is no necessity that the same changes be made by two laws, I have approved Senate Bill No. 528, and return this bill without my approval.

Respectfully submitted,

LEN SMALL, *Governor of Illinois*.

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the House of Representatives:

I return herewith House Bill No. 333, entitled, "An Act making appropriations for the University of Illinois and providing for the expenditure thereof."

I veto and withhold my approval from the following items therein contained:

Page 2, section 1, lines 7 and 8 from the top of the page: "For improvements other than new buildings.....\$320,000".

Page 2, section 1, line 9 from the top of the page, "For contingencies\$320,000".

Page 3, section 3, lines 3 and 4 from the top of the page: "For first unit of Library building and equipment.....\$500,000".

Page 3, section 3, line 10 from the top of the page: "For addition to Armory\$350,000".

Page 3, section 3, line 11 from the top of the page: "For Cattle Feeding Plant\$50,000".

Page 3, section 3, line 12 from the top of the page: "For Land.....\$150,000".

Page 3, section 3, line 13 from the top of the page: "For Contingent Building Fund\$50,000".

I submit as reason for my veto of these items the following: "The Fifty-first General Assembly appropriated to the University of Illinois the sum of \$5,348,000. The appropriation contained in House Bill No. 333 aggregates \$10,565,000, which is an increase of almost 100 per cent. Even after these items have been vetoed, the increase over the last appropriation is approximately 80 per cent.

In addition to House Bill No. 333, the Fifty-second General Assembly has also appropriated \$100,000, to be received from the Federal Government, and has reappropriated \$185,265. This is a greater increase than has been

allowed by the Fifty-second General Assembly to any other division, branch or agency of the State government.

I believe that this increase will be found ample to supply the growing needs of the State university and will provide for as many buildings as the University of Illinois can economically construct before the next session of the Legislature.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the House of Representatives:

I return herewith House Bill No. 672 entitled, "An Act making appropriations for the State Normal Schools."

I veto and withhold my approval of the following item therein contained:

On pages 3 and 4, I veto all of section 4.

The reason for my veto of this section is as follows:

This section makes an appropriation of \$760,000.00, payable out of the Normal School Revolving Fund. This fund was created by House Bill No. 537, which has been held unconstitutional by the Attorney General and which I have accordingly vetoed. There is, therefore, no fund in the State Treasury from which this item of \$760,000.00 could be paid.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the House of Representatives:

I return herewith House Bill No. 837 entitled "An Act making appropriations for the State charitable, penal and reformatory institutions."

I veto, and withhold my approval from, the following items therein contained:

Page 11, section 3, line 16 from the top of the page: "To the Elgin State Hospital\$125,000".

Page 11, section 3, line 17 from the top of the page: "To the Kankakee State Hospital\$48,000".

Page 11, section 3, line 18 from the top of the page: "To the Jacksonville State Hospital.....\$50,500".

Page 11, section 3, line 19 from the top of the page: "To the Anna State Hospital\$88,000".

Page 11, section 3, line 22 from the top of the page: "To the Watertown State Hospital.....\$55,600".

Page 11, section 3, line 23 from the top of the page: "To the Peoria State Hospital\$41,500".

Page 12, section 3, lines 11 and 12 from the top of the page: "To the Illinois Soldiers' Orphans' Home for cottage for boys.....\$20,000".

Page 12, section 3, lines 13 and 14 from the top of the page: "To the Illinois Soldiers' Orphans' Home for cottage for boys.....\$20,000".

Page 12, section 3, lines 15 and 16 from the top of the page: "To the Illinois Soldiers' Orphans' Home for cottage for boys.....\$20,000".

Page 12, section 3, lines 17 and 18 from the top of the page: "To the Illinois Soldiers' Orphans' Home for cottage for boys.....\$20,000".

Page 14, section 8, lines 9 and 10 from the top of the page: "TO THE ELGIN STATE HOSPITAL: For Permanent Improvements.....\$75,482.07".

Page 14, section 8, line 12 from the top of the page: "For Permanent Improvements\$28,666.28".

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Page 14, section 8, lines 14 and 15 from the top of the page: "TO THE ANNA STATE HOSPITAL: For Permanent Improvements....\$100,606.93".

Page 14, section 8, lines 16 and 17 from the top of the page: "TO THE WATERTOWN STATE HOSPITAL: For Permanent Improvements.....\$20,729.97".

Page 14, section 8, lines 18, 19 and 20 from the top of the page: "TO THE CHICAGO STATE HOSPITAL:

For Permanent Improvements.....\$48,119.89
For New Sewer Outlet.....\$20,000.00".

Page 14, section 8, lines 23 and 24 from the top of the page: "TO THE DIXON STATE HOSPITAL FOR EPILEPTICS:

For Permanent Improvements\$239,537.04".

Page 14, section 8, lines 25 and 26 from the top of the page: "TO THE DIXON STATE COLONY FOR FEEBLE-MINDED:

For Permanent Improvements.....\$336,113.06".

Page 14, section 8, lines 27 and 28 from the top of the page: "TO THE INDUSTRIAL HOME FOR THE BLIND:

For Rewiring Main Building.....\$2,500.00".

Page 15, section 8, lines 3, 4 and 5 from the top of the page: "TO THE ILLINOIS CHARITABLE EYE AND EAR INFIRMARY:

For Buildings\$308,757.34".

Page 15, section 8, lines 8 and 9 from the top of the page: "TO THE ST. CHARLES SCHOOL FOR BOYS:

For Permanent Improvements.....\$46,567.37".

Page 15, section 8, lines 15 and 15 from the top of the page: "TO THE PSYCHOPATHIC HOSPITAL: For Permanent Improvements...\$21,447.04".

I also veto all of section 9 of said bill, reappropriating \$44,373.21.

I also veto all of section 10 of said bill, reappropriating \$734,955.60

As reason for my veto of the above items, I submit the following:

The appropriations and reappropriations for buildings, permanent improvements, repairs and equipment to the Department of Public Welfare aggregate \$7,222,283.44. In addition to this amount there has been appropriated to the Illinois Penitentiary Commission the sum of \$1,784,616.33, and to the University of Illinois for buildings to be used in conjunction with the Department of Public Welfare at the group hospital, at Chicago, the sum of \$500,000.00, which makes a total appropriation for the charitable and penal institutions of the State of nearly \$10,000,000.00, for buildings, permanent improvements, repairs and equipment.

This sum is greatly in excess of any ever before appropriated for one biennium and is, I believe, more than the people should be called upon to spend in any one biennium for these purposes.

I have, therefore, withheld my approval from the items above listed which total approximately \$2,500,000.00 and which, in my opinion, can be eliminated without interfering in any way in the proper conduct and management of any of the State institutions.

Respectfully submitted,

LEN SMALL, Governor of Illinois.

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the House of Representatives:

I return herewith House Bill No. 865 entitled, "An Act to provide for the ordinary and contingent expenses of the State government until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly."

I veto, and withhold my approval from, the following items therein contained:

Page 29, section 1, paragraph (26), line 12 from the top of the page: "For Investigating Sources of Revenue.....5,000.00".

Page 34, section 1, paragraph (32), line 3 from the top of the page:	
"For CONTINGENCIES	400.00".
Page 36, section 1, paragraph (33), line 11 from the top of the page:	
"For CONTINGENCIES	2,000.00".
Page 36, section 1, paragraph (34), line 25 from the top of the page:	
"For CONTINGENCIES	400.00".
Page 38, section 1, paragraph (35), line 2 from the top of the page:	
"For CONTINGENCIES	28,000.00".
Page 39, section 1, paragraph (39), line 26 from the top of the page:	
"For CONTINGENCIES	2,500.00".
Page 40, section 1, paragraph (40), line 22 from the top of the page:	
"Extra Clerk Hire	5,000.00 per annum".
Page 50, section 1, paragraph (57), line 25 from the top of the page:	
"Additional Help	5,000.00 per annum".
Page 55, section 1, paragraph (63), line 24 from the top of the page:	
"For Contingencies	\$ 4,000.00".
Page 59, section 1, paragraph (72), line 11 from the top of the page:	
"2 Stenographers at \$1,200.....	2,400 per annum".
Page 59, section 1, paragraph (72), line 16 from the top of the page:	
"For CONTINGENCIES	2,000.00".
Page 61, section 1, paragraph (74), line 32 from the top of the page:	
"1 Chief Clerk and Secretary	\$2,400 per annum".
Page 62, section 1, paragraph (74), line 1 at the top of the page: "For	
CONTINGENCIES	\$2,000.00".
Page 64, section 1, paragraph (75), lines 1 to 8 both inclusive from the	
top of the page; being all of paragraph (75):	
<i>"To the Department of Public Works and Buildings:</i>	
<i>"To defray expense of commission, for investigations and to cooperate</i>	
<i>with other states in connection with the development of a Deep Waterway</i>	
<i>from Lakes-to-the-ocean via the St. Lawrence River.....</i>	
<i>\$5,000.00".</i>	
Page 80, section 1, paragraph (89), line 29 from the top of the page:	
"For CONTINGENCIES	\$2,000.00".
Page 82, section 1, paragraph (90), line 19 from the top of the page:	
"For CONTINGENCIES"	\$2,000.00".
Page 83, section 1, paragraph (91), line 17 from the top of the page:	
"For CONTINGENCIES	\$1,000.00".
Page 87, section 1, paragraph (93), line 9 from the top of the page:	
"For CONTINGENCIES	\$10,000.00".
Page 89, section 1, paragraph (95), line 6 from the top of the page:	
"1 Stenographer and Clerk	1,500 per annum".
Page 91, section 1, paragraph (98), lines 20 to 24, both inclusive, from	
the top of the page:	
<i>"For conducting special investigation of oil re-</i>	
<i>sources in Illinois.....</i>	
<i>\$100,000.00 first year.</i>	
<i>\$150,000.00 second year".</i>	
Page 90, section 1, paragraph (96), line 3 from the top of the page:	
"1 Clerk and Stenographer	\$1,500 per annum".
Page 90, section 1, paragraph (97), line 32 from the top of the page:	
"For CONTINGENCIES	\$1,000.00".
Page 95, section 1, paragraph (102), line 7 from the top of the page:	
"For miscellaneous expenses	\$40,000.00".
Page 96, section 1, paragraph (102), line 4 from the top of the page:	
"For Stable, Camp Lincoln	\$18,000.00".
Page 98, section 1, paragraph (106), line 10 from the top of the page:	
"For CONTINGENCIES	\$2,000.00".
Page 98, section 1, paragraph (106), line 6 from the top of the page:	
"Extra Help	\$1,000 per annum".
Page 99, section 1, paragraph (108), line 2 from the top of the page:	
"For CONTINGENCIES	\$1,000.00".
Page 99, section 1, paragraph (109), line 23 from the top of the page:	
"1 Cataloger	\$1,500 second year only".

Page 99, section 1, paragraph (109), line 24 from the top of the page:
 "1 Library Assistant\$1,200 second year only".

Page 100, section 1, paragraph (109), line 2 from the top of the page:
 "For Temporary Employees\$1,000 per annum".

Page 92, section 1, paragraph (100), lines 8 to 20, both inclusive, from the top of the page, being all of paragraph (100):

"Division of Immigrants' Commission.

"(100) To the Department of Registration and Education:

For SALARIES AND WAGES.....\$41,520.00.
 For the following positions at not to exceed the annual rates herein specified:
 1 Executive Secretary\$4,000 per annum
 For Investigators, Stenographers and Extra Help.....\$16,760 per annum
 For OFFICE EXPENSES\$5,100.00.
 For TRAVEL\$9,000.00.
 For REPAIRS AND EQUIPMENT.....\$2,380.00.
 (Total for the Immigrants' Commission, \$58,000.00)".

Page 6, section 1, paragraph (4), line 7 from the top of the page:
 "6 Policemen at \$1,200.....\$7,200 per annum".

Page 6, section 1, paragraph (4), lines 13, 14 and 15 from the top of the page:

"8 Elevator Operators (Centennial Building beginning November 1, 1921),

8 months at the rate of \$1,200 each per annum.....6,400 first year".

Page 7, section 1, paragraph (4), lines 31, 32, and 33 from the top of the page: "Extra Janitors, during session of the General Assembly.....\$4,400 for biennium".

Page 8, section 1, paragraph (4), line 1 at the top of the page: "For Fire proof vault\$2,500.00".

Page 8, section 1, paragraph (4), line 2 from the top of the page: "For Greenhouses12,000.00"

Page 8, section 1, paragraph (4), line 5 from the top of the page:
 "For Clearing corporation records.....10,000.00".

Page 8, section 1, paragraph (4), line 7 from the top of the page:
 "For Surety bonds (Code officers).....5,000.00".

Page 9, section 1, paragraph (7), last line on the page: "1 Assistant Chief Warrant Clerk.....3,000 per annum".

Page 10, section 1, paragraph (7), line 1 at the top of the page: "1 Assistant Chief Warrant Clerk.....\$2,500 per annum".

Page 10, section 1, paragraph (7), line 17 from the top of the page:
 "Extra Clerk hire10,000 per annum".

Page 10, section 1, paragraph (7), line 13 from the top of the page:
 "1 Stenographer and Clerk.....1,200 per annum".

Page 10, section 1, paragraph (7), line 14 from the top of the page:
 "1 Mailing Clerk1,800 per annum".

Page 11, section 1, paragraph (7), line 13 from the top of the page:
 "1 Verification Clerk2,500 per annum".

Page 11, section 1, paragraph (7), line 8 from the top of the page:
 "1 Stenographer and Clerk1,200 per annum".

Page 20, section 1, paragraph (16), line 9 from the top of the page:
 "One messenger and Clerk1,200 per annum".

Page 20, section 1, paragraph (16), line 17 from the top of the page:
 "1 Stenographer1,500 per annum".

Page 21, section 1, paragraph (16), lines 1 to 22, both inclusive, from the top of the page:

"For attorneys for the Department of Finance, Agriculture, Labor, Mines and Minerals, Public Works and Buildings, Public Welfare, Public Health, Trade and Commerce, Registration and Education; for the Public Utilities Commission, for legal work in connection with the construction of good roads; litigation in connection with the deep waterway; enforcement of the "Blue Sky" Law; for the employment of special assistants, special

attorneys, investigators, brief writers and extra help; for court costs in United States courts and State courts; expenses of conducting investigations; preparation and trial of suits and appeals in the United States courts and courts in this and other states.....\$175,000 per annum".

Page 22, section 1, paragraph (16), lines 7 and 8 from the top of the page: "For costs and expenses in disbarment proceedings....5,000.00 per annum".

Page 22, section 1, paragraph (16), lines 9 and 10 from the top of the page: "For employment of Inheritance Tax Attorneys outside of Cook County45,600 per annum"

Page 22, section 1, paragraph (16), lines 11 to 27, both inclusive, from the top of the page:

"For aiding in the enforcement of the provisions of 'An Act to restrict the manufacture, possession and use of intoxicating liquor, aiding thereby in establishing uniformity in State and Federal laws in regard thereto,' the sum of seventy-five thousand dollars (\$75,000.00) per annum, or so much thereof as may be necessary in the following items:

For special attorneys.....\$20,000.00 per annum
For salary and expense for investigators.....\$45,000.00 per annum
For clerk hire, equipment, stationery printing and traveling expenses.....
.....\$10,000.00 per annum".

Page 23, section 1, paragraph (16), line 1 at the top of the page: "For REPAIRS AND EQUIPMENT.....\$13,000.00".

Page 23, section 1, paragraph (16), line 2 from the top of the page: "For Dissolution of defunct corporations.....70,000.00".

Page 18, section 1, paragraph (14), line 12 from the top of the page: "1 High School Supervisor.....3,500.00 per annum".

Page 24, section 1, paragraph (18), line 8 from the top of the page: "1 Stenographer1,500.00 per annum".

Pages 66 and 67, section 1, paragraph (77), the last five lines on page 66 and the first three lines on page 67, being all of paragraph (77):

"Fort Creve Coeur Marker.

"To the Department of Public Works and Buildings: For the erection on the site designated by the State Historical Society of a suitable marker to commemorate the establishment of Fort Creve Coeur in 1680 by the Sieur de la Salle on the east bank of the Illinois River, in what is now Tazewell County\$2,000.00".

Page 15, section 1, paragraph (12), line 23 from the top of the page: "1 Cashier4,000 per annum".

Page 15, section 1, paragraph (12), line 37 from the top of the page: "1 Chief Coupon Clerk.....3,600 per annum".

Page 15, section 1, paragraph (12), line 38 from the top of the page: "1 Coupon Clerk3,000 per annum".

Page 15, section 1, paragraph (12), line 39 from the top of the page: "1 Stenographer and Clerk1,800 per annum".

Page 16, section 1, paragraph (12), line 3 from the top of the page: "3 Guards at 1,800.....5,400 per annum".

Page 16, section 1, paragraph (12), line 6 from the top of the page: "Extra Clerk Hire6,000 per annum".

Page 16, section 1, paragraph (12), lines 7 to 11, both inclusive, from the top of the page: "Fees and expenses in examining and investigating titles and other contracts on loans made for Teachers Pension and Retirement Fund.....2,500 per annum".

Page 16, section 1, paragraph (12), lines 17, 18 and 19 from the top of the page: "Receiving and disbursing Registered Bond Fund and State Road Fund.....2,000 per annum".

Page 16, section 1, paragraph (12), line 22 from the top of the page: "For REPAIRS, EQUIPMENT AND CONTINGENCIES.....13,400.00".

My reasons for vetoing the above items are these: I have reviewed the appropriations made in all departments and, in the interests of economy,

have eliminated those which, in my opinion, are not essential, and the vetoing of which will not impair the efficiency of the State government.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

Senate.

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the Senate:

I return herewith without my approval, Senate Bill No. 109, being a bill for "An Act to amend sections 1, 3, 4 and 8 of 'An Act concerning bastardy,' approved April 3, 1872, in force July 1, 1872, as amended," and as reason for my veto, submit the following:

This bill amends four sections of the Bastardy Act. Jurisdiction to enforce this Act is vested in the county court. The subject matter covered by this bill and by the Act which it purports to amend, is entirely statutory in character.

In the drafting of this bill, the following language has been omitted from section 4:

"The said court, at its next term, shall cause an issue to be made up, whether the person charged, as aforesaid, is the real father of the child or not, which issue shall be tried by a jury. When the person charged appears and denies the charge, he shall have the right to controvert, by all legal evidence, the truth of said charge."

The requirement that an issue be made up, and the issue tried by a jury, is vital to the enforcement of this law. To omit this language, would leave a statutory proceeding without statutory method for enforcement. While I have no objection to the substantive changes made by the bill, it is deemed inadvisable to endanger the enforcement of this Act by the omission of this important provision.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the Senate:

I return herewith without my approval, Senate Bill No. 191, being a bill for "An Act to amend an Act entitled, 'An Act to provide for the holding of primary elections by political parties,' approved March 9, 1910, in force July 1, 1910, as amended, by amending Section 1 of said Act.' The reasons for my veto are as follows:

This bill purports to amend Section 1 of the General Primary Act. The amendment made by this bill provides that the Primary Act shall not apply to the nomination of candidates for offices in cities, incorporated towns and villages having a population not to exceed eighty-five hundred inhabitants.

Class legislation is contrary to the provisions of our Constitution and contrary to the fundamental principles of representative government, unless there is some just and reasonable basis for the classification. No good reason exists why a city with a population of nine thousand or ten thousand inhabitants should be required to hold a primary election for the nomination of city officers, while a city with a population of eight thousand, or eighty-five hundred should make its nominations under the Ballot Act. A classi-

fication or distinction of this kind should not be approved, unless it is apparent that there is some good reason for the distinction or classification.

For those reasons, I withhold my approval of this bill.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT
SPRINGFIELD, June 30, 1921.

To the Honorable, the Senate:

I return herewith, without my approval, Senate Bill No. 276, the same being a bill for "An Act to amend Section 22 of 'An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto,' approved March 29, 1872, in force July 1, 1872, as amended," and submit the following reasons for my veto:

This bill attempts to amend Section 22 of the Fees and Salaries Act. This section, at present, provides that in all counties the fee for printing delinquent lists shall be twenty cents for each tract of land and ten cents for each town lot. This bill, as originally introduced in the Senate, provided that the printing fee should be twenty cents instead of ten cents for each town lot. However, in the House of Representatives this bill was amended in such a manner that the fees provided for in this section apply only to counties having a population of 200,000 or over and no provision was made for printers' fees in counties having a population of less than 200,000. If this bill were approved, the printers in the one hundred one counties outside of Cook County could collect no fees for printing the delinquent tax list. Since the law requires that the tax list be printed, that provision of law would either be violated by a failure to print or the publishers in these counties would be obliged to do the printing without receiving any compensation whatsoever. There certainly can be no reason for this discrimination and I therefore withhold my approval of this bill.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the Senate:

I return herewith without my approval, Senate Bill No. 331, being a bill for "An Act concerning public offenses and providing penalty," and as reason for my veto, submit the following:

Under date of June 27, 1921, the Attorney General advises me that this bill is unconstitutional.

For the reasons stated in that opinion, I withhold my approval of this bill.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*
(Copy.)

STATE OF ILLINOIS,
LAW DEPARTMENT,
SPRINGFIELD, June 27 1921.

Bills:

Senate Bill No. 331.

To the Governor, Springfield, Illinois:

SIR: In your letter of June 24 you transmitted to me Senate Bill 331, with request for an opinion as to its form and constitutionality.

The title to said bill is as follows:

"An Act concerning public offenses and providing penalty."

The Act consists of one section only and provides in substance, that where personal property is sold under a written conditional sale, or title

reservation, note, or contract, wherein the legal title to the property agreed to be sold and purchased is reserved in the seller until the full purchase price therefor is paid, and the purchaser thereof shall thereafter without the written consent of the owner of the legal title to such property removes any of the property out of the State of Illinois where it was situated at the time of the making of the contract or note or secretes or converts the same, or any part thereof to his own use or sells the same, or any part thereof to any person without the written consent of the owner of the legal title to said property shall upon conviction, be fined not exceeding \$100, to which may be added imprisonment in the County Jail not exceeding thirty days.

No persons by reading the title (An Act concerning public offenses and providing penalty) could determine, or know, or have any intimation or suggestion that the subject matter of section one was to be found in the Act.

It is provided in section 13, Article 4 of the Constitution of 1870 of Illinois, in part * * *

"No Act hereafter passed shall embrace more than one subject and that shall be expressed in the title. But if any subject shall be embraced in an Act which shall not be expressed in the title, such Act shall be void only as to so much thereof as shall not be so expressed;"

In the case of *Milne v. The People*, 224 Ill., page 125 the title of an Act under consideration read as follows:

"An Act for the punishment of crimes against children."

The body of the Act created a felony and provided that any person who should entice, lure or persuade any child into any room or enclosure, or into any place for the purpose of taking immoral, immodest or indecent liberty, or shall take, or attempt to take such liberties with such child, or who shall wilfully commit any lewd or lascivious act upon or with the body, or any part or member thereof of such child with intent of arousing, appealing to or gratifying the sexual desires of such person or of such child, shall be guilty of a felony punishable by imprisonment, etc.

Briefly, the court in holding said Act void because the title did not disclose the contents of the body of the Act uses this language:

"There is nothing in the title of this Act that gives any hint that a new offense is to be created or any intimation as to the Acts which shall constitute such offense. The title is 'An Act for the punishment of crimes against children.' One reading this title would have no conception of what might be expected in the body of the Act."

In the case of *Rouse v. Thompson*, 228 Ill. 522, at page 530, the court in construing this provision of the Constitution uses this language:

"The title of an Act and the Act shall correspond, not literally but substantially, and while the title may be vouched in general terms, to be sufficient it must fairly point out the subject matter of the Act which is as follows:

In the present Senate Bill No. 331, the title of the Act does not give any hint, intimation or suggestion that the body of the Act provides a penalty for the violation of a private contract. Said Act is unconstitutional. I find no objection to the form of the Act.

I am herewith returning the bill.

Respectfully,

(Signed) EDWARD J. BRUNDAGE, *Attorney General*.

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the Senate:

I return herewith, without my approval, Senate Bill No. 314, being a bill for "An Act to prevent fraud in connection with the use of certain names," and submit as reasons for my veto the following:

This bill prohibits the use by any business institution of a trade name having as a part of such name the word, "Company", "Corporation", "Agency", "Association", "Syndicate", "Trust", or "Society". It also pro-

hibits any corporation from employing any name except that under which it is incorporated.

This bill, if approved, would remedy some evils existing at the present time, but the damage which would be done by this bill would be considerably greater than the good accomplished. Many persons, partnerships or firms employ a trade name with the word "Company", "Association", "Trust", or "Society", as part of the trade name. This has been the practice in this State for many years in numerous cases. The use of this name is an important business asset to the person or the partnership using it. It would not only be unfair, but would serve no good purpose to deprive such persons or partnerships of the use of these names.

I therefore veto this bill.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1921.

To the Honorable, the Senate:

I return, herewith, Senate Bill No. 188, being a bill for "An Act making an additional appropriation for building, equipping and completing a new Illinois State Penitentiary and a new Illinois Asylum for insane criminals and other purposes necessary and incidental thereto."

I veto and withhold my approval of the following items or sections therein contained:

Page 1, section 1, line 23 from the top of the page, "For Salaries and Wages (Construction)\$150,000."

Page 1, section 1, line 27 from the top of the page, "For Operation....\$50,000."

Page 1, section 1, line 32 from the top of the page (being the last line on page 1) "For Contingencies.....\$25,000."

Page 2, section 2; I veto this entire section, reappropriating \$409,636.33.

My objections to these items are as follows:

This bill makes a total appropriation within the first section of \$1,374,980 and in the second section appropriates the sum above specified. I believe that the appropriations made in section 1 for the various items other than for contingencies, are sufficiently ample to enable the work at the Illinois State Penitentiary to proceed without the necessity of a separate item for contingencies, or a reappropriation.

The item for salaries and wages and for operation are vetoed because the amount appropriated for permanent improvements, being \$997,500, is, in my judgment, sufficient to pay all salaries and wages and all costs of operation connected with the construction of the new penitentiary.

Respectfully submitted,

LEN SMALL, *Governor of Illinois*

Secretary of State.

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, July 1, 1921.

To the Honorable, the Secretary of State:

I hereby file in your office Senate Bill No. 271, entitled: "An Act to amend section 115 of 'An Act to establish and maintain a system of free schools,' approved and in force June 12, 1909, as amended and to add sections 194a and 194b thereto."

I veto and withhold my approval of this Bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presenta-

tion to me, the same is filed in your office, with my objections, which are as follows:

This bill amends section 115 of the Free School Act and adds 194a and 194b. The effect of the amendments is to give Boards of Directors and Boards of Education of public schools the right to conduct classes for subnormal, delinquent, mentally deficient, blind, deaf, dumb or crippled children. It is also provided in this bill that part of the cost of maintaining these special classes shall be paid by the State.

No appropriation was made by the General Assembly to pay for the State's share of the cost of maintaining these special schools. If this bill were approved, it is very likely that school districts would establish these classes relying upon State aid, only to find that the Legislature has failed to provide an appropriation to cover these costs.

For this reason, I veto Senate Bill No. 271.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, July 1, 1921.

To the Honorable, the Secretary of State:

I hereby file in your office Senate Bill No. 413, entitled: "An Act to amend section 42 of an Act entitled, 'An Act in regard to the Administration of Estates,' approved April 1, 1872, in force July 1, 1872."

I veto and withhold my approval of this Bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office, with my objections, which are as follows:

The amendment made by this bill to the Administration Act provides that a foreign executor or administrator may, by virtue of the letters issued to him in a foreign State, take possession of the personal property of the decedent in this State.

The policy of our law has, at all times, been to grant administration of all personal property in this State only to persons who were residents of Illinois. This policy has been founded upon good reason and its results have been most satisfactory. I see no reason for departing from this policy.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT. •
SPRINGFIELD, July 1, 1921.

To the Honorable, the Secretary of State:

I hereby file in your office House Bill No. 709, entitled: "An Act providing for the licensing of insurance agents, insurance brokers and insurance solicitors; prohibiting rebating and providing penalties for violation."

I veto and withhold my approval of this Bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office, with my objections, which are as follows:

This bill provides for the licensing of insurance agents, insurance brokers and insurance solicitors. It provides that licenses shall be issued by the Department of Registration and Education, and requires that a licensee possess certain moral and business qualifications. My objections to this bill are to the provisions of section 7, which reads as follows:

"The provisions of this Act do not apply to mutual insurance companies, reciprocal or inter-insurance exchanges, fraternal beneficiary societies or life insurance companies."

While there is admittedly something to be said in favor of an insurance agents, licensing act, still there is no reasonable or just basis for the distinction made by section 7. Aside from constitutional objections which may be made to a classification of this nature, it seems to me that if a licensing act is passed it should cover equally and impartially all classes of insurance agents and insurance companies. I believe that the provisions of section 7 are not fair. For this reason I veto House Bill No. 709.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, July 2, 1921.

To the Honorable, the Secretary of State:

I hereby file in your office Senate Bill No. 232, entitled: "An Act to amend an Act entitled, 'An Act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others, for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts,' (approved and in force May 29, 1879), and as subsequently amended by amending section 62 of said Act."

I veto and withhold my approval of this Bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office, with my objections, which are as follows:

This bill provides that no person shall be appointed a commissioner in two adjoining districts. It appears to me that this is a matter which should be settled by the local courts and by persons whose land is included within the district and may well be left to the discretion of those persons and officers. For this reason I withhold my approval of this bill.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, July 2, 1921.

To the Honorable, the Secretary of State:

I hereby file in your office Senate Bill No. 233, entitled: "An Act to amend an Act entitled, 'An Act to provide for drainage for agricultural and sanitary purposes, and to repeal certain Acts therein named,' approved June 27, 1885, in force July 1, 1885, and as subsequently amended, by amending section 15a of said Act."

I veto and withhold my approval of this Bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office, with my objections, which are as follows:

This bill provides that no person shall be appointed a commissioner in two adjoining districts. It appears to me that this is a matter which should be settled by the local courts and by the persons whose land is included within the district and may well be left to the discretion of those persons and officers. For this reason I withhold my approval of this bill.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, July 5, 1921.

To the Honorable, the Secretary of State:

I hereby file in your office Senate Bill No. 234, entitled: "An Act to provide for the care of water in lakes, and artificial ponds or bodies of

water within the boundaries of Drainage and Levee Districts, or Drainage Districts."

I veto and withhold my approval of this Bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office, with my objections, which are as follows:

This bill in its title refers only to ponds, lakes or bodies of water within the boundary of drainage districts, while the body of the bill refers to bodies of water within adjoining or contiguous to the boundaries of any drainage district. The subject matter of the bill is therefor not expressed within the title. While this defect renders only so much of the Act void as is not expressed in the title, it is liable to lead to the infliction of the penalty provided for in this Act upon some person who would rather pay the fine than to appeal the case to the higher courts. In such case there certainly could be no reason for criminal liability. As to the entire bill, I believe that the penalty for the acts prohibited is very excessive. For these reasons, I withhold my approval of this bill.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, July 5, 1921.

To the Honorable, the Secretary of State:

I hereby file in your office Senate Bill No. 265, entitled: "An Act to amend section eight (8) of an Act entitled, 'An Act to provide for the licensing of architects and to regulate the practice of architecture as a profession and to repeal certain Acts therein named,' approved June 24, 1919, in force July 1, 1919."

I veto and withhold my approval of this Bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office, with my objections, which are as follows:

This bill amends section 8 of the Act providing for the licensing of architects. This bill attempts to amend section 8 of the Architects' Licensing Act by providing that architects that have had ten years or more experience shall be exempted from written examinations. I see no good reason why such architects should be excused from written examination. For this reason I have vetoed this bill.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, July 5, 1921.

To the Honorable, the Secretary of State:

I hereby file in your office Senate Bill No. 431, entitled: "An Act to add section 18½ to 'An Act concerning the business of casualty insurance,' approved April 21, 1899, in force July 1, 1899, as amended."

I veto and withhold my approval of this Bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office, with my objections, which are as follows:

The Attorney General in an opinion, dated June 25, 1921, says of this bill in part as follows:

"There is a question as to whether or not the classification is made with sufficient reason therefor, notwithstanding the preference is given for the purpose of maintaining a trust fund for deferred indemnity to injured employees; the question being whether it is reasonable to give a preference of the kind provided for in this bill to Insurance Companies engaged in writing Workmen's Compensation insurance.

"While I think there is some doubt as to the constitutionality of this bill, I do not feel that I can say that it is clearly unconstitutional. That question can be settled only by a decision of the court."

Whether or not the bill is clearly unconstitutional, the fact remains that the classification attempted in this bill is not fair or just as between various types of creditors. For these reasons, I veto this bill.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, July 5, 1921.

To the Honorable, the Secretary of State:

I hereby file in your office Senate Bill No. 483, entitled: "An Act to add section 1a to 'An Act to revise the law in relation to joint rights and obligations,' approved June 30, 1919, in force July 1, 1919."

I veto and withhold my approval of this Bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office, with my objections, which are as follows:

This bill by its terms provides that where a sale of real estate is made and by the terms of the contract the property is to be conveyed to the vendees not in tenancy in common but in joint tenancy, and one or more of the vendees dies before the completion of the contract, the heirs of such deceased vendee shall have no right in the contract, but all interests thereunder shall survive to the remaining vendees.

If it is the intention of vendees in a contract to bring about this result, it is competent for them to include such a provision in their contract at the time it is made. If they do not intend such a result to follow, there is no reason why the result should be forced upon them by statute. It seems to me better policy to allow this matter to be settled by the contracting parties than to have such a result provided for by law.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, July 5, 1921.

To the Honorable, the Secretary of State:

I hereby file in your office House Bill No. 618, entitled: "An Act to prohibit and to prescribe a penalty for the advertising of treatment or cure of venereal disease, sexual disorders and infirmities and to define such diseases, disorders and infirmities."

I veto and withhold my approval of this Bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office, with my objections, which are as follows:

This bill is intended to prohibit the advertising of treatment or cure of certain diseases, but does not prohibit the advertising of cure or treatment of other diseases. The courts of this State have repeatedly condemned any attempt to pass legislation which affects one class or type of persons and does not affect other persons in a similar situation. This bill is a violation of the

principle of our constitution which prohibits class legislation, and for that reason I veto this bill.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, July 5, 1921.

To the Honorable, the Secretary of State:

I hereby file in your office House Bill No. 627, entitled: "An Act to amend sections 8, 15 and 17 of an Act entitled, 'An Act in relation to a Municipal Court in the City of Chicago,' approved May 18, 1905, in force July 1st, 1905 as subsequently amended."

I veto and withhold my approval of this Bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office, with my objections, which are as follows:

This bill amends three sections of the Act relating to the Municipal Court of Chicago. The effect of the amendments is materially to increase the compensation of certain officers of those courts. There is, in my opinion, no justification for this additional drain upon public funds. For this reason, I withhold my approval of this bill.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, July 5, 1921.

To the Honorable, the Secretary of State:

I hereby file in your office House Bill No. 676, entitled: "An Act to amend section 258 of 'An Act to establish and maintain a system of free schools,' approved and in force June 12, 1909, as amended."

I veto and withhold my approval of this Bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office, with my objections, which are as follows:

The present provisions for the security of funds of school officers are sufficiently stringent, and in my opinion, no further provision is necessary.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, July 5, 1921.

To the Honorable, the Secretary of State:

I hereby file in your office House Bill No. 742, entitled: "An Act to amend sections 2, 17 and 22 of an Act entitled, 'An Act in relation to an Illinois State Institutions Teachers' Pension and Retirement Fund,' filed June 14, 1917, and in force July 1, 1917."

I veto and withhold my approval of this Bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office, with my objections, which are as follows:

This bill amends certain sections of the Act relating to the Illinois State Institutions Teachers' Pension and Retirement Fund. The effect of the amendments is to extend the benefits of this pension Act to teachers

employed in the office of the Superintendent of Public Instruction and to the Superintendent of Public Instruction and the Assistant Superintendent of Public Instruction.

If this Act were approved only those employees in the office of the Superintendent of Public Instruction would be entitled to the benefits of a pension fund. It is not just that the employees in one office of the State receive a pension, while those in another office receive none. Because of this distinction between the offices of the State government, I withhold my approval of this bill.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, July 5, 1921.

To the Honorable, the Secretary of State:

I hereby file in your office House Bill No. 773, entitled: "An Act to amend section 14 of Article IV of 'An Act to provide for the incorporation of cities and villages,' approved April 10, 1872, in force July 1, 1872, as amended."

I veto and withhold my approval of this Bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office, with my objections, which are as follows:

The amendment made by this bill provides an additional way of calling an election to fill a vacancy in the city council of any city. It appears to me that the present means provided by the statute is sufficient to meet such emergencies as may arise, and that it is unnecessary to make further provision for the calling of special elections.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, July 5, 1921.

To the Honorable, the Secretary of State:

I hereby file in your office House Bill No. 784, entitled: "Act to provide for the extension and levy of taxes to pay road bonds issued under the provisions of section 112 of an Act entitled, 'An Act to revise the law in relation to roads and bridges,' approved June 27, 1913, in force July 1, 1913, and all Acts amendatory thereof."

I veto and withhold my approval of this Bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office, with my objections, which are as follows:

This bill imposes upon county clerks certain duties with reference to the extension of taxes for the purpose of paying township road bonds. I am advised by the Attorney General in his opinion dated June 27, 1921, that:

"Said bill does not impose upon the county clerk any other or additional duty concerning the levy and extension of a tax for the payment of interest and principal of bonds legally voted under said section 112, than is already imposed upon the county clerk by the express terms thereof."

The Attorney General also states: "If this bill is approved, it will simply encumber the statutes with an unnecessary provision.

Deeming this law unnecessary, I withhold my approval of the same.

Respectfully submitted,

LEN SMALL, *Governor of Illinois.*



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STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, July 12, 1921.

To the Honorable, the Secretary of State:

I hereby file in your office House Bill No. 566, being an Act entitled, "An Act for the Prevention of Crime by the segregation of the mentally defective with criminal propensities."

The General Assembly having, by its adjournment, prevented the return of this bill to the House in which it originated, the same is filed in your office with my objections thereto which are as follows:

his bill provides for the segregation of persons twice convicted of a felony or a misdemeanor who are mentally defective and with criminal propensities. At the time of the introduction of this bill, another bill was introduced providing for the acquisition and establishment of a farm colony for the segregation of the persons referred to in this bill. The bill providing for the establishment of that colony and making an appropriation therefor failed to pass either House of the General Assembly. Even if this bill were approved there would be no way of effectually carrying out its provisions.

This bill also attempts to create and define a new type of mental disease which has heretofore not been recognized by law. At the present time our laws provide for the imprisonment and segregation of those persons who have committed a crime and who are insane. It provides also for the disposition of those persons who, having committed a crime while sane, thereafter become insane. Furthermore, there is great doubt as to the constitutionality of this bill.

I therefore veto and withhold my approval of this bill.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

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